

§ 926.6

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.5 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.6 Committee.

Committee means the Cranberry Marketing Committee, which is hereby authorized by USDA to collect information on sales, acquisitions, and inventories of cranberries and cranberry products under this part. The Committee is established pursuant to the Federal cranberry marketing order regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York (7 CFR part 929).

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.6 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.7 Producer.

Producer is synonymous with grower and means any person who produces cranberries for market and has a proprietary interest therein.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.7 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.8 Handler.

Handler means any person who handles cranberries and is not subject to the reporting requirements of Part 929.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.8 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.9 Handle.

Handle means to can, freeze, dehydrate, acquire, sell, consign, deliver, or transport (except as a common or contract carrier of cranberries owned by another person) fresh or processed cranberries produced within or outside the United States or in any other way to place fresh or processed cranberries into the current of commerce within or outside the United States. This term includes all initial and subsequent handling of cranberries or processed cranberries up to, but not including, the retail level.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.9 was suspended indefinitely, effective Dec. 29, 2006.

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§ 926.10 Acquire.

Acquire means to obtain cranberries by any means whatsoever for the purpose of handling cranberries.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.10 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.11 Processed cranberries or cranberry products.

Processed cranberries or cranberry products means cranberries which have been converted from fresh cranberries into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.11 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.12 Producer-handler.

Producer-handler means any person who is a producer of cranberries for market and handles such cranberries.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.12 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.13 Processor.

Processor means any person who receives or acquires fresh or frozen cranberries or cranberries in the form of concentrate from handlers, producer-handlers, importers, brokers or other processors and uses such cranberries or concentrate, with or without other ingredients, in the production of a product for market.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.13 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.14 Broker.

Broker means any person who acts as an agent of the buyer or seller and negotiates the sale or purchase of cranberries or cranberry products.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.14 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.15 Importer.

Importer means any person who causes cranberries or cranberry products produced outside the United States to be brought into the United States with the intent of entering the

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cranberries or cranberry products into the current of commerce.

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§ 926.16 Reports.

(a) Each handler, producer-handler, processor, broker, and importer engaged in handling or importing cranberries or cranberry products who is not subject to the reporting requirements of the Federal cranberry marketing order, (7 CFR Part 926) shall, in accordance with Sec. 926.17, file promptly with the Committee reports of sales, acquisitions, and inventory information on fresh cranberries and cranberry products using forms supplied by the Committee.

(b) Upon the request of the Committee, with the approval of the Secretary, each handler, producer-handler, processor, broker, and importer engaged in handling or importing cranberries or cranberry products who is not subject to the Federal cranberry marketing order (7 CFR Part 926) shall furnish to the Committee such other information with respect to fresh cranberries and cranberry products acquired and disposed of by such entity as may be necessary to meet the objectives of the Act.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, §926.16 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.17 Reporting requirements.

Handlers, producer-handlers, importers, processors, and brokers not subject to the Federal cranberry marketing order (7 CFR Part 926) shall be required to submit four times annually, for each fiscal period reports regarding sales, acquisitions, movement for further processing, and dispositions of fresh cranberries and cranberry products using forms supplied by the Committee. An Importer Cranberry Inventory Report Form shall be required to be completed by importers and brokers. This report shall indicate the name, address, variety acquired, the amount sold to and received by brokers, processors, and handlers, and the beginning and ending inventories of cranberries held by the importer for each applicable fiscal period. A Handler/Processor

Cranberry Inventory Report Form shall be completed by handlers, producer-handlers, and processors and shall indicate the name, address, variety acquired, domestic/foreign sales, acquisitions, and beginning and ending inventories.

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§ 926.18 Records.

Each handler, producer-handler, processor, broker, and importer shall maintain such records of all fresh cranberries and cranberry products acquired, imported, handled, withheld from handling, and otherwise disposed of during the fiscal period to substantiate the required reports. All such records shall be maintained for not less than three years after the termination of the fiscal year in which the transactions occurred or for such lesser period as the Committee may direct.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, §926.18 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.19 Confidential information.

All reports and records furnished or submitted pursuant to this part which include data or information constituting a trade secret or disclosing the trade position or financial condition, or business operations from whom received, shall be in the custody and control of the authorized agents of the Committee, who shall disclose such information to no person other than the Secretary.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, §926.19 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.20 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying records and reports required to be filed by handlers, producer-handlers, processors, brokers, and importers, USDA or the Committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cranberries and cranberry products are received, acquired, stored, handled, and otherwise